

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

FILED

MAY 01 2007

UNITED STATES OF AMERICA

V.

Fernando Ocampo-Bajena

Venue: Oakland

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL COMPLAINT

WDB

CASE NUMBER: **4 - 07 - 70256**

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about April 06, 2007 in Contra Costa County, in the Northern District of California defendant(s) did,

OFFENSE: SEE ATTACHMENT "A"

in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT MADE A PART HEREOF

PENALTIES: Imprisonment for not more than twenty (20) years and/or a fine of not more than two Hundred fifty thousand (\$250,000.00) dollars, a one-hundred (\$100.00) dollar special Assessment, and three (3) years supervised release.

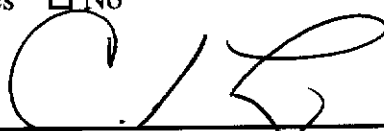
APPROVED AS TO FORM:


ASSISTANT UNITED STATES ATTORNEY

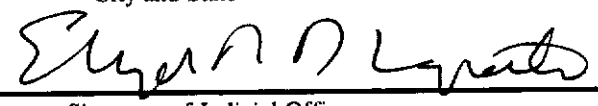
Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested: ☐ Yes ☒ No

Bail Amount: **NO BAIL**


Signature of Complainant

Sworn to before me and subscribed in my presence,

May 1, 2007 at San Francisco, California
Date City and State
Honorable Elizabeth D. LaPorte
United States Magistrate Judge
Name & Title of Judicial Officer 
Signature of Judicial Officer

ATTACHMENT "A"

alien (OJB)

On or about April 06, 2007 the defendant, Fernando Ocampo-Bajena, having been previously
deported from the United States on more than one occasion, was found in Contra Costa County
Jail, in the State and Northern District of California, without having obtained express consent
for reapplication for admission from either the Attorney General of the United States or his
successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3),
(4) and 557).

Affidavit

I, Cesar J. Lopez, being duly sworn, do hereby state:

1. I am a Deportation Officer with the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement (ICE). I have been employed in this capacity since July 24, 1994. Previously, I was employed as a United States Immigration Inspector since December 08, 1988.
2. I am currently assigned to the Prosecutions Unit of the San Francisco Field Office. In such capacity, I have reviewed the official DHS records (A72 153 463) and DHS automated data relating to Fernando Ocampo-Bajena ("Ocampo-Bajena"), which attests to the following:
 - a. Ocampo-Bajena is a thirty-five (35) year-old male, native and citizen of Mexico, who last entered the United States illegally by crossing the international border on an March 20, 2007 at Nogales, Arizona, in an unknown manner, without first having obtained the consent of the Attorney General of the United States or the U.S. Secretary of Homeland Security.
 - b. Ocampo-Bajena's official Alien Registration File contains five (5) executed Warrants of Removal/Deportation indicating that Ocampo-Bajena was deported from the United States to Mexico as follows: on September 20, 2002 through San Ysidro, California; on August 23, 2003 through Nogales, Arizona; on June 01, 2005 through

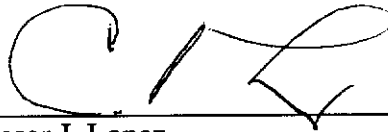
San Ysidro, California; on September 09, 2005 through San Ysidro, California; and, on October 11, 2006 through San Ysidro, California.

3. On April 06, 2007 ICE encountered Ocampo-Bajena in the Contra Costa County Jail in Richmond, California. On April 26, 2007, Ocampo-Bajena was released to ICE's San Francisco District office. On April 26, 2007, after being advised of his Miranda and Consular Notification Rights, Ocampo-Bajena voluntarily provided a sworn statement in which he admitted his identity, that he was a citizen of Mexico, that he had previously been deported to Mexico, and that he reentered the United States without the required permission.

4. On April 27, 2007 a full set of rolled fingerprints belonging to Ocampo-Bajena was submitted to the Automated Fingerprint Identification Center ("AFIS"), for verification of identity. On April 27, 2007, the fingerprint examiner positively identified the fingerprints as belonging to Ocampo-Bajena, who had previously been removed from the United States as referenced above in paragraph 2.

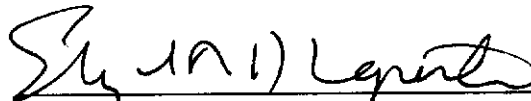
5. There is no indication in the official files of the United States Department of Homeland Security that Ocampo-Bajena ever applied for or obtained the permission of the United States Attorney General or the Secretary of Homeland Security to reenter the United States.

6. On the basis of the facts above, I believe there is probable cause that Fernando Ocampo-Bajena is an alien who, having been previously deported from the United States, has been found in the United States without the required permission, and is in violation of Title 8, United States Code, Section 1326

A handwritten signature in black ink, appearing to read 'CJL', written over a horizontal line.

Cesar J. Lopez
Deportation Officer
U.S. Department of Homeland Security
Immigration and Customs Enforcement
San Francisco, California

Subscribed and sworn to before me this 1st day of May 2007 at San Francisco, CA

A handwritten signature in black ink, appearing to read 'Elizabeth D. LaPorte', written over a horizontal line.

Honorable Elizabeth D. LaPorte
United States Magistrate Judge
Northern District of California
San Francisco, California